

# Notice of Allowability

Application No.

09/834,138

Examiner

Lyle A Alexander

Applicant(s)

NUNES ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The 3/23/05 interview summary and amendments.
2. ☒ The allowed claim(s) is/are 1,5-9,3-4,10,12,11,13,15,16,19 and 17-18 renumbered 1-17 respectively.
3. ☒ The drawings filed on 12 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/23/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tak on 3/23/05.

Claim 1: A field-deployable solid phase microextraction kit comprising:

a casing having a lid section; a plurality of solid phase microextraction (SPME) fiber/syringe assemblies; and at least a plurality of hermetically sealed transport tubes located in said casing,

each transport tube for sealably and securely retaining ~~a solid phase microextraction (SPME) fiber syringe assembly~~ one of said SPME fiber/syringe assemblies and preventing cross-contamination with another ~~SPME fiber syringe assembly~~ one of said SPME fiber/syringe assemblies retained in another transport tube when carried together in said casing,

wherein each of said transport tubes includes means located at an end of said transport tube for allowing sampling of an environment within said transport tube, to determine contamination of a retained SPME fiber/syringe assembly.

**Cancel claim 2**

~~Claim 2: The kit of Claim 1,~~

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~~wherein each of said transport tubes includes means for allowing sampling of an environment within said transport tubes to determine contamination of the retained SPME fiber syringe assembly.~~

Claim 3: The kit of Claim 1,

wherein each of said SPME fiber/syringe assembly assemblies includes a fiber protective cap.

Claim 4: The kit of Claim 3,

additionally including a fiber protective cap extraction tool.

Claim 5: The kit of Claim 1,

additionally include at least spare parts for said transport of tubes, at least one spare SPME fiber/syringe assembly, protective gloves and an instruction manual.

Claim 6: The kit of Claim 1,

wherein said casing and said lid section are constructed so as to form an airtight interior.

Claim 7: The kit of Claim 1,

wherein said transport tubes are constructed of anodized aluminum.

Claim 8: The kit of Claim 1,

additionally including a tray containing a plurality of transport tubes removably positioned in said casing.

Claim 9: The kit of Claim 1,

wherein each of said transport tubes include said means located at an end of said transport tube for allowing sampling comprises a septum mounted in one end through which the interior of the transport tubes tube may be tested.

Claim 10: The kit of Claim 1,

wherein said transport tubes are composed of two interconnected sections constructed to be hermetically sealed, each of said two sections having openings therein constructed to secure ~~the~~ one of said SPME fiber/syringe assembly assemblies therein.

Claim 11: A field-deployable solid phase microextraction kit comprising:

a casing having a lid section; a plurality of solid phase microextraction (SPME) fiber/syringe assemblies; and at least a plurality of hermetically sealed transport tubes located in said casing,

each transport tube for sealably and securely retaining ~~a solid phase microextraction (SPME) fiber syringe assembly~~ one of said SPME fiber/syringe assemblies and preventing cross-contamination with another ~~SPME fiber syringe assembly~~ one of said SPME fiber/syringe assemblies retained in another transport tube when carried together in said casing,

said transport tubes being composed of two interconnected sections constructed to be hermetically sealed, each of said two sections having openings therein constructed to secure ~~the~~ one of said SPME fiber/syringe assembly assemblies therein, said two interconnected sections of said transport tubes being secured together by a twist/lock arrangement,

and wherein each of said transport tubes includes a septum mounted in one end through which the interior of the transport tube may be tested.

Claim 12: The kit of Claim 10,

additionally including at least one seal in said two interconnected sections.

Claim 13: A field-deployable solid phase microextraction kit comprising:

a casing having a lid section, a plurality of solid phase microextraction (SPME) fiber/syringe assemblies each having a fiber protective cap; a tool for removing and inserting said fiber protective caps on said SPME fiber/syringe assemblies; and at least a plurality of hermetically sealed transport tubes located in said casing,

each transport tube for sealably and securely retaining ~~a solid phase microextraction (SPME) fiber syringe assembly~~ one of said SPME fiber/syringe assemblies and preventing cross-contamination with another ~~SPME fiber syringe assembly~~ one of said SPME fiber/syringe assemblies retained in another transport tube when carried together in said casing,

said transport tubes being composed of two interconnected sections constructed to be hermetically sealed, each of said two sections having openings therein constructed to secure ~~the SPME fiber syringe assembly~~ one of said SPME fiber/syringe assemblies therein, and at least one seal in said two interconnected sections,

one of said two interconnected sections including an end section which extends into the other of said two interconnected sections, and wherein said seal comprises a pair of

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spaced O-ring mounted in its end section and constructed to contact an internal surface of said other said two interconnected sections.

**Cancel claim 14**

~~Claim 14: The kit of Claim 1,~~

~~additionally including a tool for removing and inserting a protective cap on a fiber of said SPME fiber/syringe assembly.~~

Claim 15: ~~A field-deployable solid phase microextraction kit comprising:~~ The kit of claim 13,

~~a casing having a lid section, and at least a plurality of hermetically sealed transport tubes located in said casing,~~

~~each transport tube for sealably and securely retaining a solid phase microextraction (SPME) fiber syringe assembly and preventing cross-contamination with another SPME fiber syringe assembly retained in another transport tube when carried together in said casing,~~

wherein said tool comprises a housing having a spring mounted plunger therein, said plunger having an opening therein, and said housing having an opening constructed to align with said opening in said plunger, whereby a protective cap is retained in said openings in said housing and said plunger by movement of said plunger, is released from being retained in said housing and said plunger by movement of said plunger.

Claim 16: In ~~an~~ a SPME kit having at least one solid phase microextraction (SPME) fiber/syringe assembly, the improvement comprising:

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at least one hermetically sealed transport tube for a SPME fiber/syringe assembly, said transport tube having a configured interior corresponding to an exterior of the SPME fiber/syringe assembly, whereby said assembly is secured within said transport tube; and

said transport tube including a seal in one end through which an interior of said transport tube could be tested to determine contamination of the ~~retained~~ SPME fiber syringe assembly when retained in said transport tube.

Claim 17: The improvement of Claim 16,

additionally including a protective cap for the fiber of said SPME fiber/syringe assembly.

Claim 18: The improvement of Claim 17,

additionally including a tool for removing said protective cap from said fiber and reinstalling said protective cap on said fiber.

Claim 19: The improvement of Claim 16,

wherein said at least one transport tube includes two interconnected sections, means for securing said two sections together, and a sealing arrangement located intermediate said two interconnected sections.

The following is an examiner's statement of reasons for allowance: The cited prior art fails to teach or anticipated the invention of claims 1, 3-12 and 16-19 directed to a field deployable microextraction kit comprising a plurality of microextraction

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assemblies each in their own hermetically sealed container where each container includes means for sampling the interior environment of each container to determine if the assembly is contaminated. Further, the art fails to teach or anticipated the invention of claims 13 and 15 directed to a field deployable microextraction kit comprising a plurality of microextraction assemblies each in their own hermetically sealed container where each container is composed of two interconnecting sections that comprising a pair of spaced O-rings that create the seal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lyle A Alexander  
Primary Examiner  
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